



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Office of the
General Counsel

Mr. Taylor-Scott Amarel
MuckRock News
DEPT MR 70630
411A Highland Ave.
Somerville, MA 02144-2516
Email: 70630-41460722@requests.muckrock.com

6/16/2019

Re: FOIA Appeal

Dear Mr. Amarel:

This is in response to your April 29, 2019 Freedom of Information Act (FOIA) appeal received in the Office of the General Counsel, Office of Personnel Management on May 23, 2019. I apologize for the delay in this response. Your initial request sought “the last 200 pages of emails sent to, from, or copied to OPMExecsec@opm.gov containing the non-case-sensitive text “Mulvaney.” On April 26, 2019, the OPM FOIA office issued an initial response to you, stating that your request was denied because it did not reasonably describe the records sought. You have appealed OPM’s initial response. In your appeal letter, you argue that OPM’s decision to deny the request is arbitrary, and that the request “precisely defines the records requested.”

After considering this matter, I have decided to deny your appeal because, contrary to your assertions, your underlying request does not reasonably describe the records sought. As set forth in OPM’s regulations implementing the FOIA, a proper request is one that describes the records sought with sufficient detail to allow an agency employee familiar with the subject area of the request to locate the records with a reasonable amount of effort. *See 5 CFR 294.108(c).* Merely specifying an email account to search and attempting to dictate the search by supplying a search term that must be used for the search does not meet the criteria for a request that “reasonably” describes the records sought. *See Mobley v. CIA, 806 F.3d 568, (D.C. Cir. 2015)*(a request for an agency to search a particular record system—without more—does not invariably constitute a “lead” that an agency must pursue.). Therefore, I deny your appeal of OPM’s initial decision with respect to this request.

Judicial review of this determination is available under the FOIA pursuant to 5 U.S.C. § 552(a)(4). Under the FOIA, you may appeal this decision by filing a lawsuit within six years from the date of this decision in a United States district court for the district in which you reside, or in the United States District Court for the District of Columbia.

You also have the option of requesting mediation services from the Office of Government Information Services (OGIS). You may contact OGIS at the Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001, or by email at ogis@nara.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Robbins".

Mark A. Robbins
General Counsel

cc: Wen Liu, Manager
FOIA Office
Office of the Director